

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

MFA.No. 494 of 2000(B)

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WCC.17/1995 of W.C.C., KOZHIKODE
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APPELLANT/APPLICANT:

**N.K.RAYINKUTTY, S/O BICHU MOYI,
ENDRATH HOUSE, KUNIYIL,
KEEZHUPARAMBA P.O., MALAPPURAM DIST.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/OPPOSITE PARTIES:

- 1. K.K.MAJEED, S/O ISMALIKUTTY HAJI,
KUNNOTH HOUSE, 2/2023, CIVIL STATION,
CALICUT.**
- 2. NEW INDIA ASSURANCE CO. LTD.
V.K.BUILDING, CHEROOTTY ROAD, CALICUT.**

R2BY ADV. SRI.KKM.SHERIF

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 494 of 2000

JUDGMENT

Koshy, J.

The appellant/claimant met with an accident during the course of employment. He was 49 years old. The Tribunal fixed 156.47 as the index for calculating the compensation as per the Workmen's Compensation Act. He produced Exhibit A3 medical certificate issued by a medical practitioner certifying 20% professional disability. The Commissioner awarded compensation for 30% loss of earning capacity. The maximum wages that can be taken into account as per the provisions of the Workmen's Compensation Act, existing at the time of the accident was Rs.1000/- per month. The Tribunal has taken Rs.1000/- as the monthly income. Hence, calculation of compensation is in accordance with the provisions of the Act, existing at the time of the accident. We see no merit in the appeal. Appeal is dismissed.

(J.B.Koshy, Judge)

9th July, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.494 of 2000

JUDGMENT

9th July, 2007